

HOUSE BILL 181

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2003 Regular Session
(3r1888)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Glassman, Boutin, James, McComas, and Parrott**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Sheriffs - Disposal of Property - Holding Period**

3 FOR the purpose of altering the period of time ~~that certain guidelines shall provide~~
4 ~~that require a sheriff to hold abandoned, lawfully confiscated, or recovered~~
5 ~~property before the sheriff may give notice for the sale of the property,~~
6 prescribed under certain guidelines, that certain property is required to be in
7 the possession of the sheriff before the sheriff is required to give certain notice of
8 the sale of the property to certain persons and certain lienholders; and generally
9 relating to the disposal of property by a sheriff.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 2-311
13 Annotated Code of Maryland
14 (2002 Replacement Volume)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Courts and Judicial Proceedings**

4 2-311.

5 (a) The sheriff of a county may establish and administer reasonable guidelines
6 in accordance with this section for disposing of abandoned, lawfully confiscated, or
7 recovered property that is in the possession of the sheriff's office.

8 (b) The guidelines shall provide that:

9 (1) (I) After LAWFULLY CONFISCATED property has been in the
10 possession of the sheriff for a period of {one year} ~~90 DAYS~~, notice of the sale of the
11 property shall be given by registered or certified mail to those persons entitled to its
12 possession and to those lienholders whose names and addresses can be ascertained by
13 the exercise of reasonable diligence; AND

14 (II) AFTER ABANDONED OR RECOVERED PROPERTY HAS BEEN IN
15 THE POSSESSION OF THE SHERIFF FOR A PERIOD OF ~~6 MONTHS~~ 90 DAYS, NOTICE OF
16 THE SALE OF THE PROPERTY SHALL BE GIVEN BY REGISTERED OR CERTIFIED MAIL
17 TO THOSE PERSONS ENTITLED TO ITS POSSESSION AND TO THOSE LIENHOLDERS
18 WHOSE NAMES AND ADDRESSES CAN BE ASCERTAINED BY THE EXERCISE OF
19 REASONABLE DILIGENCE;

20 (2) The property may be sold at public auction after a description of the
21 property and the time, place, and terms of the sale have been published in a
22 newspaper of general circulation in the county in each of 2 successive weeks;

23 (3) The amount received from the sale of property in accordance with
24 this section shall be distributed in the following order of priority:

25 (i) To the sheriff, in an amount equal to the expense of the sale and
26 all expenses incurred while the property was in the sheriff's custody;

27 (ii) To lienholders in order of their priority; and

28 (iii) Subject to the provisions of item (4) of this subsection, to the
29 general fund of the county; and

30 (4) At any time within 3 years from the date of the sale of the property,
31 any person submitting satisfactory proof of the person's right to the possession of the
32 property shall be paid, without interest, the amount distributed to the general fund
33 pursuant to item (3) of this subsection, and after the expiration of 3 years from the
34 date of the sale, any claims shall be absolutely barred.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2003.

